

REMARKS

The present communication responds to the Office Action dated October 8, 2004. In that Office Action the Examiner rejected claims 1-4, 6-9 and 18-20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,457,122 to Atkins et al. Reconsideration of this rejection and allowance of the claims are respectfully requested at least for the reasons set forth below.

Rejection under 35 U.S.C. § 102

Claims 1-4, 6-9 and 18-20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,457,122 to Atkins et al. This rejection is traversed at least for the following reasons.

Atkins discloses a method of vacuum packaging goods in heat shrinkable thermoplastic bags. The method of Atkins includes loading the goods into a heat shrinkable bag, evacuating air from inside the bag and causing the bag to shrink using heat:

In another aspect the present invention is a method of vacuum packing goods pre-loaded into a heat shrinkable bag comprising the steps of (a) providing diaphragm means which can be heated and which are operatively cooperable with said bagged goods, said diaphragm means being adapted to deliver heat to said bagged goods; (b) providing means to heat said diaphragm; (c) heating said diaphragm; (d) evacuating the air from inside said bag; (e) collapsing said diaphragm means onto said bagged goods to cause the heat in said diaphragm means to cause the bag to shrink onto said goods, and, (f) closing and sealing the bag. *Atkins, Column 2, lines 53-64.*

Atkins does not disclose, teach or suggest “a pressure source operably coupled with the dome for increasing pressure within the dome” as recited in independent claims 1 and 18. The Examiner asserts that Atkins shows “a pressure source (Fig. 4; via vacuum pressure ATMOS) operable coupled with the dome for increasing pressure within the dome so that the packaging material is compressed against the product (Figs. 3 and 4).” The applicants respectfully assert that this is an incorrect interpretation of the Atkins apparatus. Atkins teaches generating a vacuum pressure:

In addition to heating the diaphragms, means are provided to control their motion towards and away from the food product and to hold them in contact with the heated platens. To this end, conduits 30 extend to the upper and lower platens and are connected to a vacuum pump to withdraw the air from between each diaphragm and its platen. This pressure is called V_D . As is quite clearly apparent from the FIGS. 1 and 2, when V_D is

applied, the diaphragms expand out into contact with the platens, as shown in FIG. 3. When this pressure is relieved, as indicated in FIG. 4, then the diaphragms collapse onto the product "P". Means are also provided for chamber vacuumization and pressure. Another pipe 32 is provided, and the vacuumizing pressure V_C is supplied to the system through this pipe 32. *Atkins, Column 3, lines 47-61.*

Atkins further explains that it is a vacuumizing pressure that is generated to collapse the diaphragms onto the bagged product:

As is well-known to those skilled in the art, the machine shown in the drawings can be associated with two separate vacuumizing systems, or with a single system having a three-way valve to direct the vacuum pressure to one, both, or neither of the two pies 30 and 32. In any case, those skilled in this art know how to provide the vacuum pressures V_C and V_D to the pipes 30 and 32 respectively, in order to control the motion of the diaphragms and to vacuum-pack the product "P", as set forth in the method and described below. *Atkins, Column 3, line 62 – Column 4, line 3.*

Thus, Atkins teaches generating a negative or vacuum pressure. Atkins does not teach "increasing pressure within the dome so that the packaging material is compressed against the product" as required by claim 1 or "increasing pressure within the pressure chamber relative to the ambient pressure so that the open package is compressed against the product" as required by claim 18.

For the reasons set forth above, it is respectfully submitted that Atkins does not anticipate claims 1 and 18. Each of claims 2-4, 6-9, 19 and 20 depend either directly or indirectly from one of claim 1 or 18. Accordingly, reconsideration and allowance of claims 1-4, 6-9 and 18-20 are respectfully requested.

Rejection under 35 U.S.C. § 103

Claim 5 was rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 4,457,122 to Atkins et al. This rejection is traversed at least for the following reasons.

As discussed above in regards to the rejection of claims 1-4, 6-9 and 18-20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,457,122 to Atkins et al., the applicants respectfully submit that Atkins does not anticipate claim 1. Claim 5 adds additional limitations to claim 1. In rejecting claim 5, the Examiner does not set forth any arguments to remedy the fundamental teaching deficiencies of Atkins. Thus, it is respectfully submitted that Atkins further does not make obvious claim 5.

Accordingly, reconsideration and allowance of claim 5 are respectfully requested.

Claim Objection

Claim 1 was objected to as stating "an pressure source." Claim 1 has been amended to state "a pressure source."

Conclusion

This application now stands in allowable form and reconsideration and allowance are respectfully requested.

Respectfully submitted,

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